

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

PEPSICO, INC.,
a North Carolina corporation,

Plaintiff,

vs.

Case No. 2:06-cv-10390-DPH-RSW

HON. DENISE PAGE HOOD

C.TOCCO WHOLESALE PRODUCE,
INC., a Michigan corporation; and PAUL
TOCCO WHOLESALE PRODUCE, INC.,
a Michigan corporation; and DOES 1-10,

Defendants.

DICKINSON WRIGHT PLLC
Kathleen A. Lang (P34695)
500 Woodward, Suite 4000
Detroit, Michigan 48226
Telephone: (313) 223-3500
klang@dickinsonwright.com

PATTISHALL, MCAULIFFE, NEWBURY,
HILLIARD & GERALDSON L.L.P.
David C. Hilliard
Jonathan S. Jennings
Phillip Barengolts
Natalie Kernisant
311 South Wacker Drive
Suite 5000
Chicago, Illinois 60606
Telephone: (312) 554-8000

*Attorneys for Plaintiff
PepsiCo, Inc.*

NOTICE OF DISMISSAL

Plaintiff PepsiCo, Inc., pursuant to Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure, hereby notices the dismissal without prejudice of this action as to Defendant Paul Tocco. No answer or motion for summary judgment has been served on behalf of the defendant.

DICKINSON WRIGHT PLLC

By: s/Kathleen A. Lang
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*Attorneys for Plaintiff
PepsiCo, Inc.*

DATED: August 30, 2006